

Before the
FEDERAL COMMUNICATION COMMISSION
Washington, D.C. 20554

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JUL 27 1993

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Yermo, California))

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
MM Docket No. 93-100
RM-8153

To: Chief, Allocations Branch

SUPPLEMENTAL COMMENTS

Antelope Broadcasting Co., Inc., the permittee of KYHT(FM), Yermo, California, by its attorneys, hereby submits supplemental comments in the above-referenced proceeding.^{1/} The purpose of these supplemental comments is to request a change in the proposed reference coordinates of the allotment of Channel 287B1 to Yermo, California. It is requested that the reference coordinates for the substitution of Channel 287B1 for Channel 287A at Yermo, California be 34° 53' 00" North Latitude, 116° 41' 15" West Longitude.^{2/} A channel study is attached showing full spacing at these coordinates. In support thereof, the following is shown:

1. The Notice of Proposed Rule Making ("NPRM"), 8 FCC Rcd 2483 (1993), in this proceeding noted that the reference coordinates proposed were at the periphery of city grade coverage for the upgrade. Footnote 1 to the NPRM, however, noted that a

^{1/} A Motion to Accept Supplemental Comments is being filed this same day.

^{2/} The proposed reference coordinates are approximately 16½ km southeast of Yermo and the terrain toward Yermo is flat and is not subject to any line-of-sight or terrain obstruction problems.

substitution of Channel 283A for Channel 285A and a modification of the authorization for KIQQ-FM, Lenwood, California, would greatly increase the area in which the proposed Channel 287B1 upgrade could be located. The notice of proposed rule making in Ridgecrest and Lenwood, California, 8 FCC Rcd 2249 (1993), specified a comment date of May 21, 1993 and a reply comment date of June 7, 1993. Because of the confluence between those dates and the dates in which comments and reply comments were due in this proceeding, it was impossible to know at the time of the filing of petitioner's comments that the proposed modification of KIQQ-FM to Channel 283A would be unopposed in the Ridgecrest and Lenwood, California proceeding.

2. As the Ridgecrest and Lenwood, California proceeding is unopposed, it is expected that the substitution of Channel 283A for Channel 285A at Lenwood, California will be routinely made in the near future. Because of this, the upgrade for KYHT(FM) from Channel 287A to Channel 287B1 at Yermo, California may be also routinely made without the need to assess whether the NPRM specified reference coordinates will allow city grade coverage. As shown in the attached map, the KYHT(FM) area to locate becomes very large with the substitution of Channel 283A for Channel 285A at Lenwood, California.

3. ~~It is in the public interest to substitute Channel 287B1~~

months, it does not serve either the public interest nor the Commission's interest in conserving its scarce resources to reject the original Yermo, California upgrade proposal due to a possible failure to cover the principal community with a 70 dBu contour from the originally specified NPRM reference point only for KYHT(FM) to invoke Commission processes again specifying the newly available reference coordinates due to the substitution of Channel 283 for Channel 285 at Lenwood, California. Rather, the public interest would be served by deferring action for a short time in this proceeding until the channel substitution in Lenwood, California is made. Once the channel substitution in Lenwood, California is made, favorable action may then be taken on the Channel 287B1 upgrade for Yermo, California.^{3/}

Accordingly, it is respectfully requested that the Commission change the reference coordinates for the Channel 287B1 upgrade to Yermo, California as specified above, substitute Channel 287B1 for Channel 287A at Yermo, and modify the


^{3/} It is recognized that it is Commission policy to decline the acceptance of counterproposals that are dependent upon a final action in other rule making proceedings, particularly where that proceeding is contested. See e.g. Eatonton, Fayetteville, Greenville, Hogansville, Sparta and Thomaston, Georgia and Ashland and Valley, Alabama, DA 93-828, released July 22, 1993. That policy may be distinguished for two reasons in this proceeding. First of all, it is the original proposal of Antelope Broadcasting Co., Inc. that is being considered here, not a counterproposal that is mutually exclusive. In addition, the proceeding upon which action will be deferred is a non-contested proceeding in which any mutually exclusive counterproposals that might have been filed would have been filed several months ago. Accordingly, it can be expected that the channel substitution in Lenwood, California will be routinely made. Under these circumstances, it would ill serve the public interest to strictly apply this Commission policy.

construction permit of KYHT(FM) to specify operation on Channel
287B1 at Yermo.

Respectfully submitted,

ANTELOPE BROADCASTING CO., INC.

By



John F. Garziglia
Its Attorney

PEPPER & CORAZZINI
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006
(202) 296-0600

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PEPPER & CORAZZINI
WASHINGTON D.C. 20006

Revised Reference Coordinates for KYHT(FM) Upgrade
(KIQQ-FM moved to Channel 283A)

REFERENCE		CLASS B1	DISPLAY DATES
34 53 00 N			DATA 06-30-93
116 41 15 W		Current rules spacings	SEARCH 07-23-93
----- CHANNEL 287 -105.3 MHz -----			

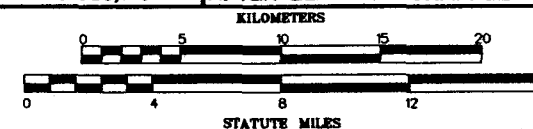
CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AD287	287B1	Yermo	CA	35.2	19.56	175.0	-155.44 *
KYHT.C	287A	Yermo	CA	177.6	8.33	143.0	-134.67 *
DE287	287A	Yermo	CA	177.6	8.33	143.0	-134.67 *
KDUQ.C	289A	Ludlow	CA	114.3	47.88	48.0	-0.12 *
KKGOFM	286B	Los Angeles	CA	240.2	145.99	145.0	0.99 <
KKXX	287B	Delano	CA	288.0	227.25	211.0	16.25
KCBQFM	287B	San Diego	CA	192.9	232.73	211.0	21.73
KAVC	288A	Rosamond	CA	268.5	134.33	96.0	38.33
KDESFM	284B	Palm Springs	CA	168.4	115.27	71.0	44.27
KDESFM	284B	Palm Springs	CA	168.4	115.27	71.0	44.27

Lambert Azimuthal Equal-Area

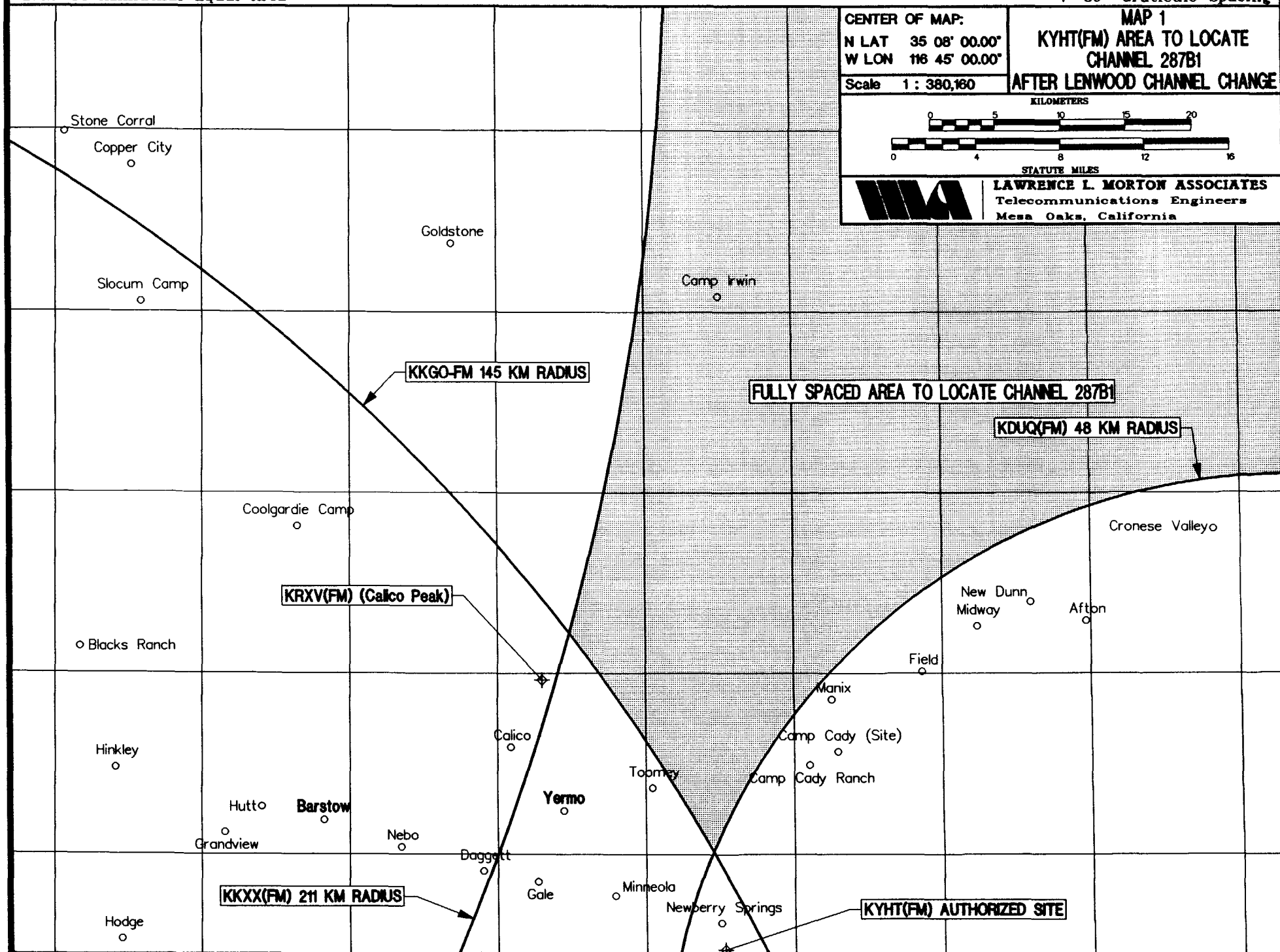
7' 30" Graticule Spacing

CENTER OF MAP:
N LAT 35 08' 00.00"
W LON 116 45' 00.00"
Scale 1 : 380,180

MAP 1
KYHT(FM) AREA TO LOCATE
CHANNEL 287B1
AFTER LENWOOD CHANNEL CHANGE



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California



CERTIFICATE OF SERVICE

I, Tracey Westbrook, a secretary for Pepper & Corazzini, do hereby certify that the foregoing Supplemental Comments were mailed on this 27th day of July, 1993 by first class mail, postage prepaid to the following parties in interest:

* Ms. Nancy Joyner
Federal Communications Commission
Allocations Branch
2025 M Street, N.W.
Room 8314
Washington, D.C. 20554

Marissa G. Repp, Esq.
Hogan & Hartson
555 13th Street, N.W.